THE HONORABLE JAMES L. ROBART 1 2 3 4 5 6 7 8 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON 9 AT SEATTLE 10 MICROSOFT CORPORATION, Case No. C10-1823-JLR 11 Plaintiff, 12 REDACTED vs. DECLARATION OF CHRISTOPHER 13 WION IN SUPPORT OF MOTOROLA, INC., et al., MICROSOFT'S OPPOSITION TO 14 MOTOROLA'S MOTION FOR LEAVE Defendants. TO AMEND ITS INVALIDITY 15 MOTOROLA MOBILITY, INC., et al., **CONTENTIONS** 16 Noted: Friday, December 2, 2011 Plaintiffs. 17 VS. 18 MICROSOFT CORPORATION, 19 Defendants. 20 21 I, Christopher Wion, hereby declare under penalty of perjury under the laws of the State 22 of Washington as follows: 23 24 25 **REDACTED - DECLARATION OF** CHRISTOPHER WION IN SUPPORT OF **LAW OFFICES** MICROSOFT'S OPPOSITION TO MOTOROLA'S MOTION FOR LEAVE TO

AMEND ITS INVALIDITY CONTENTIONS - I

DANIELSON HARRIGAN LEYH & TOLLEFSON LLP 999 THIRD AVENUE, SUITE 4400 SEATTLE, WASHINGTON 98104 TEL, (206) 623-1700 FAX, (206) 623-8717

25

- I am an attorney at the law firm of Danielson Harrigan Leyh & Tollefson LLP, counsel for Microsoft Corporation in the above-captioned matter, and have personal knowledge of the facts stated herein.
- 2. Attached hereto as Exhibit A is a true and correct copy of Microsoft's Answer and Counterclaims to Plaintiffs' First Amended Complaint for Patent Infringement filed in the Western District of Wisconsin, Case No. 3:10-cv-00699, on January 25, 2011.
- Attached hereto as Exhibit B is a true and correct copy of Plaintiffs Motorola
 Mobility, Inc. and General Instrument Corporation's Responses to Defendant Microsoft
 Corporation's First Set of Interrogatories in Case No. C11-00343-JLR, dated March 30, 2011.
- 4. Attached hereto as Exhibit C is a true and correct copy of Microsoft Corporation's First Amended Asserted Claims and Preliminary Infringement Contentions in the above-captioned action, dated September 2, 2011.
- 5. Attached hereto as Exhibit D is a true and correct copy of an article by E. Morgan, titled "Implementing TCP/IP communications with HyperCard," which was cited by Motorola in its original Invalidity Contentions, dated September 30, 2011.
- 6. Attached hereto as Exhibit G is a true and correct copy of a slip opinion issued in *Broadcom Corp. v. Emulex Corp.*, Central District of California, Case No. 09-01058, dated April 11, 2011.

DATED this 28th day of November, 2011 in Seattle, Washington.

Christopher Wio

CERTIFICATE OF SERVICE 1 I hereby certify that on November 28, 2011, I electronically filed the foregoing 2 document with the Clerk of the Court using the CM/ECF system, which will send notification 3 of such filing to the following: 4 Attorneys for Defendants Motorola Solutions, Inc., Motorola Mobility, Inc., and 5 **General Instrument Corporation** 6 Philip S. McCune 7 Lynn M. Engle Summit Law Group 8 Steven Pepe 9 Jesse J. Jenner 10 Norman Beamer Paul M. Schoenhard 11 Ropes & Gray 12 /s/ Linda Bledsoe LINDA BLEDSOE 13 14 15 16 17 18 19 20 21 22 23 24 25

REDACTED - DECLARATION OF CHRISTOPHER WION IN SUPPORT OF MICROSOFT'S OPPOSITION TO MOTOROLA'S MOTION FOR LEAVE TO AMEND ITS INVALIDITY CONTENTIONS - 3